

17-4-4
16.
105
176
F.C. Freeman 84 co
New
8.

CIVIL LIBERTY OUTRAGED.

THE FIRST FRUITS OF THE COMPROMISE !

THE FIRST UNITED STATES OFFICIAL SLAVE-CATCHER IN
NEW-YORK !

THE FIRST OUTRAGE UPON CIVIL LIBERTY ON FREE SOIL,
IN A FREE STATE !

Let the following plain statement of facts be read by every American citizen, and the public judgment be passed upon the authors of the law under which they took place, and their aiders, abettors, and approvers.

On the 26th day of September last, one THOMAS J. CLARE came to the city of New-York from Baltimore, with a power of attorney, purporting to be executed by one Mary Brown—not by her signature, but by her mark—authorizing him to take and carry to Baltimore a man represented to be her slave. Bringing with him a copy of the Fugitive Slave Law, just passed by Congress, as one of the heralded measures of peace in which that body has been engaged for the last ten months, certified to be authentic by *Daniel Webster*, Secretary of State, Clare appeared before *Alexander Gardiner*, Clerk of the Circuit Court of the United States for the Southern District of New-York, and Commissioner under the Fugitive Slave Law, and in virtue of this law, constituted a slave-catcher, and made an affidavit that George Hamlet, a mulatto man, about 30 years of age, who has resided in the neighborhood of this city for the last two or three years, and who has a wife and children there, was the slave of Mrs. Brown,

and that he escaped from her in Baltimore about the year 1848, and asked for a warrant to arrest him.

Commissioner Gardiner, entering promptly upon the execution of his new office under the law—one of the provisions of which gives the Commissioner ten dollars, provided he decides the man is a slave, but only five dollars in case he decides him to be a free man—forthwith prepared the necessary papers, issued the demanded warrant, and placed it in the hands of the United States Marshal, who, through one of his deputies, arrested Hamlet, while pursuing his ordinary business as porter in the store of Tilton & Maloney, 58 Water street, New-York city—having formerly lived with Mr. Silas Wood, in this city—and brought him, according to the directions of the warrant, before Mr. Gardiner. He was then taken into a retired room in the second story of the old City Hall, and the Commissioner, without any notice to any acquaintance of the prisoner, without assigning him any counsel, or giving him a moment's opportunity to send for assistance, proceeded with hot haste, *ex-parte*, to take the testimony of Clare, the son-in-law of the alleged claimant, and young Gustavus Brown, her son, in proof that the prisoner was her slave.

By accident, a gentleman who has some sympathy for the distressed, heard what was going on, and sent for a gentleman of the New-York bar to appear as counsel for the prisoner, who arrived only in time to elicit, by a cross-examination of the witnesses, the admission that at the time of the alleged escape of Hamlet, he was not in the employment of Mrs. Brown, but had for some time been hired out as servant in a Baltimore Shot Company, for whom Clare was clerk. Hamlet insisted that his mother was a free woman, and that he was a free man, and denied that he was a slave. But the law prohibited his testimony from being taken, and Commissioner Gardiner, upon the testimony of the two family witnesses, the son-in-law and son of the alleged owner—who by her mark upon the power of attorney, it appears, cannot write her name, and whose name was evidently used in the matter for the benefit of Clare and young Brown—decided that the prisoner was the slave of the claimant, and doomed him to perpetual bondage, by delivering him up to Clare as his property.

The demand was then made that the Marshal of the United States, at the expense of the United States, take the prisoner to Baltimore. The law sanctions the demand, and a warrant for that purpose was immediately issued, and this man, torn from his wife and children

and doomed to perpetual bondage, not by the verdict of a jury, but by the fiat of a mere clerk, whom this law has constituted slave-catcher for Southern masters, and upon the testimony of the parties in interest, was then taken into custody by deputy Benjamin H. Tallmadge, (who is son of Henry F. Tallmadge, U. S. Marshal,) hand-cuffed, and with his limbs thus cramped in irons, forced into a carriage prepared and standing at the court-house door. With two men on the driver's seat and three inside the carriage, he was hurried to the steamboat and taken to Baltimore, and lodged in the slave prison of the successor of Hope H. Slatter, a well-known hell upon earth, there to remain till a favorable bargain can be made for his sale and shipment to a Southern market. The expenses, amounting to between \$70 and \$80, have been paid by the United States. His wife and two children, who had no knowledge of his doom till he was gone, remain among us, deprived even of the mournful consolation of bidding farewell to their husband and father, who has been torn from them for no crime, under the sanction of and in conformity to a law made by the representatives of the people of these United States.

Young Tallmadge lost no time, after seeing that Hamlet was safely lodged in the slave prison at Baltimore, in communicating the news to his father's office. By a telegraphic dispatch from Baltimore he sent intelligence that the victim whom he had volunteered to take in chains to the dungeon in that city, was securely incarcerated. This young man, we regret to say, is the grandson of Colonel Benjamin Tallmadge of the revolutionary army, and once an Aid of General Washington!

James Hamlet is a highly esteemed young man. In the language of the subservient *Journal of Commerce*, he is "a steady, correct, and upright man," "a member of the Methodist Church," and "can be redeemed for \$800." The *Journal* says the decree was according to law and the Constitution. The LATTER ASSERTION IS FALSE, as the act tramples upon the Constitution, as well as upon the law of God. The caitiff editor sneers at a "higher law," and exults in the prostration of civil liberty, while he, with an affectation of benevolence, solicits money to purchase Hamlet, that he may be restored to his family. It is said that a silver pitcher is in preparation to be presented to the editor by slaveholders, in testimony of their appreciation of his services on behalf of the institution the past year.

This "law," called the FUGITIVE SLAVE LAW, is said to have been

drafted by Mr. Mason, Senator from Virginia. It is the act of which Daniel Webster said, "I propose to support that bill with all proper authority and provisions in it, to the fullest extent—to the fullest extent;" and for which he has received the cordial approbation of Moses Stuart, and a number of manufacturers, recreant preachers, and venal politicians. This law is an audacious violation of the first principles of CIVIL LIBERTY, and of the Constitution of the country. "For my own part," says Judge Jay, "I regard the bill before the Senate as a most gross usurpation of power in Congress; a plain, palpable violation of the Constitution, an outrage on the religious and benevolent sensibilities of the community, and a disgrace to our national character." Here is the bill:—

AN ACT

TO AMEND, AND SUPPLEMENTARY TO THE ACT, ENTITLED, "AN ACT RESPECTING FUGITIVES FROM JUSTICE, AND PERSONS ESCAPING FROM THE SERVICE OF THEIR MASTERS," APPROVED FEBRUARY 12, 1793.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the persons who have been, or may hereafter be, appointed commissioners, in virtue of any act of Congress, by the circuit courts of the United States, and who, in consequence of such appointment, are authorized to exercise the powers that any justice of the peace or other magistrate of any of the United States may exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled "An act to establish the judicial courts of the United States," shall be, and are hereby authorized and required to exercise and discharge all the powers and duties conferred by this act.

SEC. 2. *And be it further enacted,* That the superior court of each organized territory of the United States shall have the same power to appoint commissioners to take acknowledgments of bail and affidavit, and to take depositions of witnesses in civil causes, which is now possessed by the circuit courts of the United States; and all commissioners who shall hereafter be appointed for such purposes by the superior court of any organized territory of the United States shall possess all the powers and exercise all the duties conferred by law upon the commissioners appointed by the circuit courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this act.

SEC. 3. *And be it further enacted,* That the circuit courts of the United States, and the superior courts of each organized territory of the United States, shall from time to time enlarge the number of

commissioners, with a view to afford reasonable facilities to reclaim fugitives from labor, and to the prompt discharge of the duties imposed by this act.

SEC. 4. *And be it further enacted*, That the commissioners above named shall have concurrent jurisdiction with the judges of the circuit and district courts of the United States, in their respective circuits and districts within the several States, and the judges of the superior courts of the Territories, severally and collectively, in term time and vacation; and shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or territory from which such persons may have escaped or fled.

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars to the use of such claimant, on the motion of such claimant, by the circuit or district court for the district of such marshal; and after arrest of such fugitive by such marshal or his deputy, or whilst at any time in his custody, under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant for the full value of the service or labor of said fugitive in the State, Territory, or district whence he escaped; and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with an authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act: and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they are issued.

SEC. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or

labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking and causing such person to be taken forthwith before such court, judge or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary under the circumstances of the case, to take and remove such fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall rescue, or attempt to rescue such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the au-

thority herein given and declared ; or shall aid, abet, or assist such person, so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons, legally authorized as aforesaid ; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States ; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

SEC. 8. *And be it further enacted*, That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the like fees as may be allowed to them for similar services in other cases ; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for the want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent or attorney ; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his or her agent or attorney ; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid in either case, by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioners for the arrest and detention of fugitives from service or labor as aforesaid, shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner as aforesaid at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them : such as attending to the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner ; and in general for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner in the premises ; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents

or attorneys, whether such supposed fugitive from service or labor be ordered to be delivered to such claimants by the final determination of such commissioners or not.

SEC. 9. *And be it further enacted*, That upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary, to overcome such force, and to retain them in his service so long as circumstances may require; the said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses as are now allowed by law for the transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney may apply to any court of record therein, or judge thereof, in vacation, and make satisfactory proof to such court, or judge, in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record authenticated by the attestation of the clerk, and of the seal of the said court, being produced in any other State, Territory, or District in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer, authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped: *Provided*, That nothing herein contained shall be construed as requiring the production of a

transcript of such record as evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law.

HOWELL COBB,

Speaker of the House of Representatives.

WILLIAM R. KING,

President of the Senate, pro tempore.

Approved September 18, 1850.

MILLARD FILLMORE

SYNOPSIS OF THE BILL.

1. United States Commissioners who have been, or may hereafter be, appointed by the Circuit Courts of the United States, are authorized and required to exercise the powers conferred by this act.

2. The Superior Court of each Territory shall have power to appoint similar commissioners, with the same authority as that possessed by the commissioners appointed by the United States Circuit Courts.

3. The Circuit Courts of the U. S. and the Superior Courts of the Territories shall increase the number of commissioners from time to time, as their services may be needed.

4. Such commissioners shall possess concurrent jurisdiction, in relation to Fugitives, with the Judges of the Circuit and District Courts of the U. S., and the Superior Courts of the Territories, in term time, and vacation.

5. Marshals and Deputies are required to execute all warrants and precepts, or other processes for the arrest and detention of fugitives, under penalty of a fine of \$1,000 for the use of the claimant of such fugitive; and in case of the escape of a fugitive from the custody of a marshal, whether with or without his knowledge and connivance, said marshal is to be liable to a prosecution for the full value of the said fugitive.

The commissioners have also powers to appoint suitable persons from time to time, to execute all warrants and processes needful for the arrest and detention of fugitives, with power to call on the *posse comitatus*, or by-standers, for assistance, if needed; and all good citizens are commanded to aid and assist in the execution of the law, when their services shall be required.

6. The owner, or the attorney of any owner, of any fugitive slave, is authorized to seize such fugitive, with or without warrant or pro-

cess, and take him before some one of the courts, judges, or commissioners aforesaid, whose duty it shall be to determine the case in a summary manner; and on proof, by deposition or affidavit, or other satisfactory testimony, duly certified, of the escape and identity of said fugitive, and of the right of said claimant to the service of said fugitive, the commissioner shall make out and deliver to said claimant, a certificate, *which shall be conclusive, and prevent all molestation of the claimant by any process issued by any court, judge, magistrate or other person whomsoever*—setting forth the substantial facts in the case, with authority to use necessary force and restraint to take and remove such fugitive to the State or Territory from which he has escaped. The testimony of the fugitive is in no case to be admitted.

7. Any person who shall knowingly hinder the arrest of a fugitive, or attempt to rescue him after arrest, or assist such fugitive, directly or indirectly, to escape, or harbor or conceal him after notice or knowledge of the fact that he was a fugitive, shall be liable to a fine of \$1,000 and six months' imprisonment, by conviction before the proper District or Territorial courts, and to a suit for damages of \$1,000 for each fugitive lost to his owner by said obstruction or rescue, the same to be recovered by action of debt in any of the courts aforesaid.

8. The marshals, deputies and clerks shall receive the usual compensation in such cases for their services; when the proceedings are before a commissioner, he is entitled to a fee of TEN dollars upon the delivery of the said certificate to the claimant; or to a fee of FIVE dollars if the proof is deemed insufficient: the persons authorized to execute the process for the arrest and detention of such fugitive, shall receive a fee of five dollars, with other fees which may be deemed reasonable for additional services: all which fees are to be paid by such claimants.

9. Upon affidavit by the claimant that he apprehends a rescue, after the delivery of a fugitive to his master, the officer who effected the arrest may be required to take the slave to the place from whence he escaped, and employ as many persons as may be necessary to prevent a rescue, until he can be delivered to his master in the State from which he fled. The expenses of assistance and transportation, the same as those now allowed for criminals, are to be paid out of the U. S. Treasury.

10. On the escape of a slave, the master or his attorney may make

satisfactory proof to any Court of Record, or Judge thereof in vacation, of his ownership of an escaped slave, whereupon the court are required to issue an authenticated copy of said testimony, with a description of the person of the fugitive *with such convenient certainty as may be*, which being exhibited to any judge, commissioner, or other officer authorized to act, shall be held as conclusive evidence of the escape of said slave, and of the claimant's right to said fugitive. Upon the production of other evidence, if necessary, either oral or by affidavit, a certificate shall be granted which shall authorize the claimant to arrest and transport such person into the State or Territory whence he may have escaped. In the absence of said copy of said testimony, the claim shall be determined upon other proofs "competent in law."

THE WAY IT WAS DONE.

It is curious to know the *modus operandi*, and it should be kept in everlasting remembrance. The chief plotters—the slave-holding Speaker, COBB, of Georgia, and his confederates on the floor of the House—and the subservient, pliant, dough-faced tools of the North, including those who voted for the Bill, and those who dodged the question, will have their names registered here and elsewhere for the eyes of their constituents, their countrymen, the world, and posterity. May the indignant frown of a virtuous people drive them from posts of influence, and doom them to political death, as they have doomed themselves to perpetual shame and dishonor.

The following is the Senate vote on the engrossment of the bill:—

YEAS—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis, of Mississippi, Dawson, Dodge, of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Pierce, Rusk, Sebastian, Soulé, Spruance, Sturgeon, Turney, Underwood, Wales, Yulee—27.

NAYS—Messrs. Baldwin, Bradbury, Chase, Cooper, Davis, of Mass., Dayton, Dodge, of Wisconsin, Greene, Smith, Upham, Walker, and Winthrop—12.

Absent, or Not Voting—Messrs. Benton, Borland, Bright, Clarke, Clay, Cass, Clemens, Dickinson, Douglas, Ewing, Felch, Hale, Hamlin, Miller, Morton, Norris, Phelps, Pratt, Seward, Shields, Whitcomb—21.

Yeas from the Free States—Messrs. A. C. Dodge and Jones, of Iowa.

On the final passage, the Yeas and Nays were not called, the fate of the bill being decided by the preceding vote; but that eminently national statesman, Hon. *Daniel S. Dickinson*, made a few remarks in favor of the bill, and it passed without further division. Mr. Seward was absent from the city, unwell. Mr. Hale was, we believe, with his family, for a few days, in New-Hampshire; but most of the twenty-one absentees were only indisposed to vote.

The bill was taken up in the House, September 12th, and forced through, says the editor of the *National Era*, without discussion, consideration, or any opportunity for amendment. The bill coming up, JAMES THOMPSON, of Pennsylvania, was recognized by the Speaker, who, it is believed, fully understood the views of that recreant representative of a Free State. He addressed the House in support of the bill, and closed by moving the previous question. Thaddeus Stevens, of the same State, strongly appealed to his colleague to withdraw the motion, as he desired to reply to him. Thompson would consent only on condition that Mr. Stevens would renew it; but this HE NOBLY REFUSED TO DO. Other members renewed the appeal, but their entreaties were in vain. Thompson was inexorable. Mr. Crowell moved a call of the House. It was refused, and the demand for the previous question was sustained!—yeas 87, nays 69. Mr. Stevens then moved to lay the bill on the table. The motion was lost—yeas 67, nays 113. The main question was then ordered to be put, and the bill was ordered to a third reading—yeas 105, nays 73. The bill was read a third time by its title, the question being, “*Shall it pass?*” Mr. Thompson moved a call of the House, which was decided in the negative,—yeas 73, nays 100. The question, “*SHALL THIS BILL PASS?*” was then decided in the affirmative—YEAS 109, NAYS 75.

The following is a classification of the vote:—

YEAS—CALLING THEMSELVES DEMOCRATS—

<i>Maine</i>	THOMAS J. D. FULLER, of Calais; ELBRIDGE GERRY, of Waterford; NATHL. S. LITTLEFIELD, of Bridgeton.
<i>New-Hampshire</i> ...	HARRY HIBBARD, of Bath; CHARLES H. PEASLEE, of Concord.
<i>New-York</i>	HIRAM WALDEN, of Waldensville.
<i>New-Jersey</i>	ISAAC WILDRICK, of Blairstown.

YEAS—CALLING THEMSELVES DEMOCRATS.—*Continued.*

Pennsylvania ... MILO M. DIMMICK, of Stroudsburg; Jo MANN, of Bedford; J. X. McLANAHAN of Chambersburg; JOHN ROBBINS, JR., of Philadelphia; THOMAS ROSS, of Doylestown; JAMES THOMPSON, of Erie.

Ohio..... MOSES HOAGLAND, of Millersburg; JOHN K. MILLER, of Mount Vernon.

Michigan..... ALEXANDER W. BUELL, of Detroit.

Indiana..... NATHANIEL ALBERTSON, of Greenville; WILLIAM J. BROWN, of Amity; CYRUS L. DUNHAM, of Salem; WILLIS A. GORMAN, of Bloomington; Jos. E. McDONALD, of Crawfordsville.

Illinois..... WILLIAM H. BISSELL, of Belleville; THOMAS L. HARRIS, of Petersburg; JOHN A. McCLEARNAND, WILLIAM A. RICHARDSON, of Quincy; TIMOTHY R. YOUNG, of Marshall.

Iowa..... SHEPHERD LEFFLER, of Burlington.

California..... EDWARD GILBERT.

Maryland..... Hamilton.

Virginia..... Averett, Bayly, Beale, E. Edmundson, McMullen, Holladay, Meade, Millson, Parker, Powell, Seddon.

North Carolina.. Ashe, Caldwell, Venable.

South Carolina.. Burt, Colcock, McQueen, Orr, Wallace, Holmes, Woodward.

Georgia..... Haralson, Jackson, Wellborn.

Alabama..... Bowdon, Cobb, Hubbard, Harris, Inge.

Louisiana..... La Sère.

Tennessee..... Ewing, Harris, Johnson, Jones, Savage, Stanton, Thomas.

Mississippi..... Brown, Featherston, McWillie, Thompson.

Arkansas..... Johnson.

Texas..... Howard, Kaufman.

Missouri..... Bay, Bowlin, Green, Hall, Phelps.

Kentucky..... Boyd, Caldwell, Mason, Stanton.

YEAS—WHIGS.

<i>Massachusetts</i>	SAMUEL A. ELLIOT, of Boston.
<i>Ohio</i>	JOHN L. TAYLOR, of Chillicothe.
<i>Indiana</i>	EDWARD W. MCGAUGHEY, of Rockville.

<i>Virginia</i>	Haymond, Morton.
<i>Maryland</i>	Bowie, Kerr.
<i>Delaware</i>	Houston.
<i>North Carolina</i> ..	Clingman, Deberry, Daniel, Outlaw, Shepperd, Stanley.
<i>Georgia</i>	Owen, Toombs.
<i>Alabama</i>	Alston, Hilliard.
<i>Tennessee</i>	Anderson, Gentry, Watkins, Williams.
<i>Kentucky</i>	Breck, Johnson, Marshall, McLean, Thompson.

NAYS—DEMOCRATS.

<i>Maine</i>	CULLEN SAWTELLE, of Norridgewock; CHARLES STETSON, of Bangor.
<i>Connecticut</i>	WALTER BOOTH, of Meriden; LOREN P. WALDO, of Tolland.
<i>Ohio</i>	JOSEPH CABLE, of Carrollton; DAVID K. CARTER, of Massillon; DAVID T. DISNEY, of Cincinnati; JONATHAN D. MORRIS, of Batavia; WM. A. WHITTLESEY, of Marietta; AMOS E. WOOD, of Woodville.
<i>Michigan</i>	KINSLEY S. BINGHAM, of Kensington.
<i>Indiana</i>	GRAHAM N. FITCH, of Logansport; ANDREW J. HARLAN, of Marion; JOHN L. ROBINSON, of Rushville.
<i>Illinois</i>	JOHN WENTWORTH, of Chicago.
<i>Wisconsin</i>	JAMES D. DOTY, of Menasha.
<i>California</i>	GEO. W. WRIGHT.

NAYS—WHIGS.

<i>Maine</i>	JOHN OTIS, of Hallowell.
<i>Vermont</i>	WILLIAM HERARD, of Chelsea; WILLIAM HENRY of Bellows' Falls; JAMES MEACHAM.

NAYS—WHIGS.—*Continued.*

- Massachusetts...* JAMES H. DUNCAN, of Haverhill; ORIN FOWLER, of Fall River; HORACE MANN, of West Newton.
- Rhode Island...* NATHAN F. DIXON, of Westerly; GEORGE G. KING of Newport.
- Connecticut.....* THOS. B. BUTLER, of Norwalk.
- New-York.....* HENRY P. ALEXANDER, of Little Falls; HENRY BENNETT, of New-Berlin; GEORGE BRIGGS, of New-York; LORENZO BURROWS, of Albion; DANIEL GOTT, of Pompey; HERMAN D. GOULD, of Delhi; RANSOM HALLOWAY, of Beekman; WM. T. JACKSON, of Havana; JOHN A. KING, of Jamaica; ORSAMUS B. MATTESON, of Utica; THOMAS MCKISSOCK, of NEWBURGH; WM. NELSON, of Peekskill; HARVEY PUTNAM, of Attica; DAVID RUMSEY, Jr., of Bath; WM. A. SACKETT, of Seneca Falls; A. M. SCHERMERHORN, of Rochester; JOHN L. SCHOOLCRAFT, of Albany; JOHN R. THURMAN, of Chestertown; WALTER UNDERHILL of New-York; PETER H. SILVESTER, of Cox-sackie.
- New-Jersey.....* ANDREW K. HAY, of Winslow; JAMES G. KING, of Hoboken.
- Pennsylvania....* SAMUEL CALVIN, of Hollidaysburg; JOSEPH R. CHANDLER, of Philadelphia; J. C. DICKEY, of New-London; J. FREEDLEY, of Norristown; MOSES HAMPTON, of Pittsburg; H. D. MOORE, of Philadelphia; CHAS. W. PITMAN, of Pottsville; ROBERT R. REED, of Washington; THADDEUS STEVENS, of Lancaster.
- Ohio.....* MOSES B. CORWIN, of Urbanna; NATHAN EVANS, of Cambridge; SAMUEL F. VINTON, of Gallipolis.
- Michigan.....* WILLIAM SPRAGUE, of Kalamazoo.
- Illinois.....* EDWARD D. BAKER, of Galena.
- Wisconsin.....* ORSAMUS COLE, of Potoni.

NAYS—FREE SOILERS.

- New-Hampshire.* AMOS TUCK, of Exeter.
- Massachusetts...* CHARLES ALLEN, of Worcester.

NAYS—FREE SOILERS.—*Continued.**New-York* PRESTON KING, of Ogdensburg.*Pennsylvania* ... JOHN W. HOWE, of Franklin.*Ohio*..... LEWIS D. CAMPBELL, of Hamilton, JOHN CROWELL,
of Warren, J. R. GIDDINGS, of Jefferson, Wm.
F. HUNTER, of Woodsfield, Jos. M. Root, of
Sandusky.*Indiana* GEORGE W. JULIAN, of Centreville.*Wisconsin*..... CHARLES DURKEE, of Southport.

YEAS, 109 ; NAYS, 75.

ABSENT, OR NOT VOTING.

Northern Whigs.—Andrews, Ashmun, Bokee, Brooks, Butler,
Casey, Clarke, Conger, Duer, Goodenow, Grinnell, Levin, Nes, Newell,
Ogle, Phoenix, Reynolds, Risley, Rockwell, Rose, Schenck, Spaulding,
Van Dyke, White—24.*Free-soilers*.—Wilmot, 1.*Northern Democrats*.—Cleveland, Gilmore, Olds, Peck, Potter,
Strong, Sweetser, Thompson, of Iowa—8.*Southern Whigs*.—3.*Southern Democrats*.—12.

Total absent, or not voting—48.

Northern Democrats voting for the bill—27.

Northern Whigs voting for the bill—3 :

Elliott, of Massachusetts ; Taylor, of Ohio ;

McGaughey, of Indiana.

The members who intentionally absented themselves when this bill was about to be voted on, are less to be respected than those who boldly recorded their names in the affirmative. Some of the members who did not vote are known to be opposed to the bill, and will doubtless give a good reason for their absence at such a critical time. The dough-faces, who dodged as the vote was about to be taken, should be ascertained, and held up to the merited contempt of the world. Mr. Stevens, of Pennsylvania, after the passage of the bill, gravely rose, and suggested to the Chair the propriety of dispatching one of the pages, to inform his Whig friends who had gone out, that they now could return in safety, as the slavery matter was disposed of ! How mean and dastardly does the conduct of such " Whig

friends" appear, compared with the noble independence of Stevens and his respected coadjutors, both Whigs and Democrats, and Free Soilers, who, by their votes, stood up bravely for the Constitution and Human Rights.

It will be seen that the Representatives from the Free States numbered 141, while the number from Slave States was only 91. The former, therefore, had they all voted, could have killed the bill. A tremendous responsibility rests upon them. There were, it seems, 50 who were absent, or who dodged the question. Why did any one flee from the House to save himself from saying aye or no? Evidently because he feared to "face the music," or, in other words, he was afraid to meet his constituents if he voted *aye*, and trembled lest his party would lose their Southern wing, if he voted *nay*. There is no doubt that a large number of the dodgers from the Free States were convinced that a majority of their constituents were opposed to the bill, and that if they had voted in accordance with the views of those they were sent to represent, the bill would have been defeated. The people of the North, therefore, justly feel that they have been betrayed by their representatives, and in uniting with the people of color in resisting this bill, they are only carrying out their original intentions in the instructions given to their Senators and Representatives in Congress.

The above act was approved by MILLARD FILLMORE, a northern President of the United States, Sept. 18, 1850. The day he put his name to it will be a memorable one in his life. It will be *the* act of his administration, by which he will be distinguished in history. He is a lawyer; he knows what constitutional law is; and he has stood up in the Halls of his native State and denounced the encroachments of the Slave Power. But now we behold him basely truckling to the dictation of the South, instead of promptly and manfully VETOING the act, because affixing his signature to it would be a violation of his oath of office, a violation of the Constitution, and an outrage upon Civil Liberty. He had not, it seems, integrity and independence enough to act out the convictions of his understanding. He has thus shown that, instead of being the dignified chief of a nation, he is the instrument of Daniel Webster, the manager of the acting President, the tool of a party that is succumbing to the Slave Power in order to secure their votes at the next Presidential election. For shame!

We have said that the infamous Fugitive Slave Bill—it is not wor-

thy to be styled a "Law,"—is a palpable violation of the Constitution, and subversive of the first principles of Civil Liberty. Let this be made clear to the comprehension of every reader.

THE BILL EXAMINED.

The most infamous feature of the bill is, that it compels every citizen of the free States to be a "*slave-catcher*."* It appoints commissioners for the purpose, expressly authorizing them "TO CALL TO THEIR AID THE BY-STANDERS, OR *posse comitatus*, of the proper county"—in the matter of seizing, and holding, and dragging back to chattelhood, fleeing slaves, if they be found at the North. The *posse comitatus* is the power of the county. The militia, if the slave-catcher require it, may be called on, to hunt men and women and children, as wild beasts, and to restore them to slavery. And the 5th section has in it this most remarkable paragraph—

"ALL GOOD CITIZENS ARE HEREBY COMMANDED to aid and assist in the prompt and efficient execution of this law, whenever their services may be required."

We ask every citizen of New-York, if he does not feel all about his heart and conscience, that a law like that has no claim upon him and that it is absolutely void? We were once told by those who made this law, that "we had nothing to do with slavery." Verily slavery has much to do with us, and necessarily we have much to do with it, in whatever it has to do with us. It is not enough that it seizes our Northern seamen in Southern ports, and sells them into slavery—not enough that it denies the benefit of the laws, and mobs us when we go there to bring the cases of our enslaved and persecuted citizens before the courts—but with unaccountable insolence, it enacts that we shall return them to bondage if they escape to their Northern families and homes.

It constitutes at the North, in our neighborhoods, and by our fire-sides, the most anomalous, overshadowing, insulting, and despotic police that perverted mind can contrive, or guilty power sustain—a police which guilty power cannot sustain, until honor, and purity, and freedom have fled from among us, and we have consented to be the most drivelling, and base, and worthless slaves that ever crawled at the foot of Tyranny. Be it remembered, he who is forced to serve

* In examining the bill we have made free use of the excellent remarks of the editor of the *Liberty Party Paper*, printed at Syracuse, N. Y.

is no more a slave than he who is forced to compel others to serve. Nay, we hold *that* slavery the most degrading, that forces us, whether we will or no, to *force others* into bondage, and keep them there for the use and benefit of inhuman monsters, who shake their manacles over both, and open our own prisons to both, if we fail to obey their insolent and hellish behests. This law leaves the freeman at the North no alternative. **HE MUST DISOBEY THE LAW.**

Let the following pledge be signed by men and women in every town in the free States, in regard to this matter :

PLEDGE.

WHEREAS THE LATE ACT OF CONGRESS MAKES A REFUSAL TO AID IN THE CAPTURE OF A FUGITIVE A PENAL OFFENCE, THE SUBSCRIBERS BEING RESTRAINED BY CONSCIENTIOUS MOTIVES FROM RENDERING ANY ACTIVE OBEDIENCE TO THE LAW, DO SOLEMNLY PLEDGE OURSELVES TO EACH OTHER, RATHER TO SUBMIT TO ITS PENALTIES, THAN TO OBEY ITS PROVISIONS.

This Pledge should be printed, and circulated over the land, and can be returned by the 1st of December, to Lewis Tappan, 61 John street, New-York city, for the purpose of publishing the names ; thus producing a powerful influence upon public opinion, and preparing the way for the repeal of this diabolical bill. And we advise that it be printed on handbills, and posted up in every dwelling-house, store, shop, manufactory, and other place of resort, that all may read it, and have their attention attracted to the PLEDGE, as it may be circulated for signatures.

The punishment for aiding in the escape of the fugitive, or for harboring him, is ONE THOUSAND DOLLARS, with IMPRISONMENT not exceeding six months, besides one thousand dollars, to be recovered in a suit for civil damages, for each fugitive thus aided or harbored.

Another aggravating feature of this Bill is, that it proposes a bribe to the cupidity of the sunken and worthless spirits, who, alone, will accept a commission under it. Mark the direct terms of this bribe :

"In all cases where the proceedings are before a commissioner, he shall be entitled to a fee of \$10, in full for his services in such case, upon the delivery of the said certificate to the complainant, his or her agent, or attorney ; or a fee of five dollars, in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery."

The sordid villain who is to have this office, takes no salary with it, but is paid ten dollars for every man he adjudges to be a slave, and is to have \$5 in every case where he does not so adjudge.

Another peculiarity of this law is, that it makes no exceptions on account of color. We mention this, not because we detest it any more for that—for indeed we like it the better on that account—nevertheless, we wish our white citizens to understand, that our Congress have directly opened the door, by statutes, for the enslavement of our own children. It is unaccountable, that parties, for party purposes, can thus resolve their government into a despotism the most downright that has ever existed! It will be more astonishing still, if the people have so little respect for human freedom as to submit to it. The effect of the law, if carried out, according to its letter and intent, is to make the Free States the Guinea of America, where the dealers in human flesh may hunt, and prowl, under the auspices of the general government, and pick up their victims, black and white together, for the southern market.

The only evidence which is required of a southern kidnapper is, that he give his own "*deposition or affidavit*," before a judge or commissioner, or justice of the peace, in "*the State or territory from which such person owing services has escaped*," and such judge or commissioner shall deliver to such claimant, or his agent, a warrant, which shall be his *authority* "to use such reasonable force or restraint as is necessary" "to remove him (the person claimed) back to the State from whence he fled." And to cut off all hope of the poor man who is thus pounced upon, it is further expressly provided, as follows:—

"IN NO TRIAL OR HEARING UNDER THIS ACT SHALL THE TESTIMONY OF SAID ALLEGED FUGITIVE BE ADMITTED—and *the certificate in this and the first section mentioned*, SHALL BE CONCLUSIVE OF THE RIGHT OF THE PERSON OR PERSONS IN WHOSE FAVOR GRANTED, TO REMOVE SUCH FUGITIVE TO THE STATE OR TERRITORY FROM WHICH HE ESCAPED, AND SHALL PREVENT ALL MOLESTATION OF SUCH PERSON OR PERSONS BY ANY PROCESS ISSUED BY ANY COURT OR JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER."

"A human being," says Judge Jay, in commenting upon this law, "is stripped of every right, and reduced to the condition of a vendible beast of burden, with less ceremony, and with more celerity, than one neighbor can recover of another the value of a pig in any Court of Justice. The Constitution of the United States secures a trial by

jury in suits at common law in all cases where the value in controversy exceeds TWENTY DOLLARS; but here, where the matter in controversy is the liberty of an immortal man, and all his hopes of happiness in the life that is, and that which is to come, no jury is allowed; but a village postmaster, (or any other person appointed commissioner,) with the promise of ten dollars if he decides for the slaveholder, and of only five if against him, is deemed a sufficient tribunal for the protection of a human being, to whom the Creator has pleased to give a dark-colored skin."

Take the case of the late Professor Webster. If he had been poor, the court would have assigned him counsel. No one, ever so villainous or criminal, arraigned for the most heinous crime, is deprived of all the aid and lenity our courts can bestow. But if a man is charged with the offence of being a slave, all such aid is denied him, and the "law" wreaks its vengeance upon his defenceless head. Surely "the throne of iniquity" has been framing "mischief by a law."

Who ever heard of so atrocious a law? One man, on his own deposition or affidavit, allowed, by order of a commissioner, to claim another man or woman as his property!—forbid to repel the affidavit or deposition with his own!—forbid any defence whatever, however abundant his means of defence, and to be delivered over by the warrant of such commissioner to the claimant, whose character and claims such commissioner may not allow him or her to impeach in any manner whatever!—given over, him and his posterity for ever, to eternal bondage! Will not God's curse smite the heartless villain who will attempt to execute such a law? Do we deserve to be a free people; can we expect to escape the anger of Heaven, if we do not smite the law and its executors together in the dust?

The certificates referred to in the above paragraph, are, the certificate of the judge or justice in the slave State or Territory, that the affidavit or deposition was in fact taken before him, and which is sealed by him, thereby giving it the force of Record, and unimpeachable and conclusive evidence against the fugitive; also the certificate of the commissioner, that the slave has been brought before him on the former affidavit and certificate, and by him delivered over to his tormentors. These are the only certificates mentioned in this act. It is apparent, therefore, that there is nothing like a trial in the case. To know that there is not, we need but revert to the 6th section, which gives the proceedings before the commissioner, and compare them with the

proceedings authorized under the 10th section, before a court. In the latter case, the claimant is required to "*make satisfactory proof*;" in the former, he presents only the certificate of his own deposition, made out by a judge or justice of a foreign State, and in the latter he is required to resort to common law proof, (because the courts may make judgment, or act in no case whatever but upon common law proof.) The proceedings under this statute are authorized, therefore, expressly to evade common law remedies and rights, and give the victim over to his demandant without common law protection or remedy, against every principle of law or justice sanctioned by any jurisprudence of any people whatever. The defendant is expressly denied the right to prove that the papers adduced against him are a forgery.

It will be seen that the proceeding under this act is entirely *ex-parte*—the order of the commissioner is *ex-parte*, even in the face of the defendant—the whole proceedings are on the part of the demandant, and no act, proceeding, resistance, or defence whatever are allowed to the defendant. Submission to his demandant is all that is admissible on his part. The same section that provides the commissioner to effect the intent of the statute, authorizes the demandant to arrest the person of his victim *without aid*. The appointment of the commissioner is but to supply the lack of physical power in the claimant to seize and enslave his victim. Had he power, in his own person, to arrest and return the fugitive, the law would not be called for, and would not have been enacted. But he has no such physical power, and therefore Congress authorizes this means to aid the slaveholder in the premises, with the physical power of the States. There is therefore nothing resembling, as to form or intent, the doings of a court of law in the matter. It is simply a mode prescribed, in the form of law, by which the nation shall engage in behalf of the most squalid and limitless despotism that can exist among men. The commissioner is an agent only in one state of the case—and the *posse comitatus*, or the militia of the country, and "ALL GOOD CITIZENS" are forced into the army in another state of the case, to gratify the individual wishes, interests, or intent, of the most absolute despot that mind can conceive of, or power create. It is said, sometimes, that "Congress cannot make a slave or a king." This most atrocious act reverses this position, and expressly creates the relation of "King and Slave," and that too under the most objectionable and revolting circumstances.

Not only does this law take from all Northern men every legal right, but it forbids all the tribunals of the country, whether state or national, to interfere in their behalf, if demanded as Slaves, by any perjured scoundrel who may have the audacity to make the demand and swear to it. The Constitution of the United States declares that the "*Habeas Corpus shall not be suspended.*" This act pointedly destroys it, by providing, as it does, that the certificate of such commissioner "SHALL PREVENT ALL MOLESTATION OF SAID PERSON OR PERSONS (the claimant and his agents) BY ANY PROCESS ISSUED BY ANY JUDGE, MAGISTRATE, OR OTHER PERSON WHOMSOEVER." The *Habeas Corpus* is a "*process issued*" in behalf of freedom. This law declares that such writ shall not issue when Slavery demands any man, woman, or child, of any color, or condition, as a Slave.

Again. This law applies as well to apprentices and minors as to slaves. It gives the aforesaid unaccountable power and authority, in all cases in which persons are charged as "*fugitives from labor.*" The word slave, or *slaves*, is not used by the act. It treats only of "*fugitives from service or labor.*" In no case are the subjects of this severity called slaves. This act, then, reverses all the laws of this State, and other States, regulating "*masters, apprentices and servants,*" as well as of "*parent and child*" in this regard. A Southern man-thief has but to come among us, and demand *our* children as *his* children, and claim that they "*owe him service,*" or demand them as *apprentices* who "*owe him service or labor,*" and they are expressly forbid the right to try the question whether the villain's claim is true or false. The commissioners in such case are ordered by the letter of the act to give them up and tote them off to legal bondage. The statutes of the State giving jurisdiction, and made to try the right before its own Judges and Justices, are all reversed, and the helpless youth is given up without trial, on the *ex-parte* affidavit of a foreigner, which he may not controvert or impeach, to go hence for ever. Were this law to be construed to be applicable to parent and child, and master and apprentice, alone—as by its terms it is only applicable—its provisions would be regarded as too atrocious and despotic to be obeyed. Men, nor women, nor children, sons nor servants, masters nor apprentices, would consent that slaveholders of foreign States should, by so rude a tyranny, break up the primeval and dearest relations of society among us. And yet Congress, to aid cruel men to hold other men and women as cattle, has expressly interfered with our own domestic

relations, and expressly thrown down every barrier, exposed them to the human wolves and lusty man-thieves who prowl for prey amid the desolations of slavery.

A father, or mother, or master, are expressly forbid to defend their son or daughter, or apprentice, against the demand of a slaveholder of a slaveholding State, if such demand is but supported by the deposition of a person unknown to such father, master, son or apprentice in a foreign State, and who therefore could not be confronted or cross-questioned by them; but such son, daughter or apprentice is ruthlessly torn from his parental relations, by the power of a free State, (which may God forbid,) and given over to the blackness of darkness of slavery. The blood almost curdles at the recital. If such an enactment had been promulgated as the decree of the Russian AUTOCRAT, or the military order of the bloody HAYNAU, men would shudder. Yet Daniel Webster could go for the bill to the "fullest extent," and Moses Stuart could say of him, "Posterity, divested of partizan feeling and prejudice, will erect to him a lofty monument."

UNCONSTITUTIONALITY OF THE BILL.

Senator CHASE, in his speech of March 26th, said:—

I ask Senators, who propose to support that bill, where they find the power to legislate on this subject in the Constitution? I know to what clause I shall be referred. I know I shall be told that the Constitution provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." But this clause contains no grant of legislative power to Congress. That power is conferred exclusively by special clauses, granting legislative power in respect to particular subjects, and by the eighth section of the first article, which, after enumerating the specific powers of Congress, proceeds to declare that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

Now, Sir, what power is vested, by the clause, in relation to fugitives from service, in the government, or in any department or officer of the government? None at all; and if none, then the legislative power of Congress does not extend to the subject. The clause is a clause of compact. It has been so denominated by every Senator who has had occasion to speak of it. The honorable Senator from Massachusetts told us that he "always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves; that he had always been of the opinion that it was an injunction upon the States

themselves." If this opinion be correct, the power of legislation and the duty of legislation must be with the States, and not with Congress."

We are not prepared, I hope, and I trust we never shall be prepared, to give the sanction of the American Senate to the bill and the amendments now upon our table—a bill which authorizes and requires the appointment of two hundred and sixty-one commissioners, and an indefinite number of other officers, to catch run-away slaves in the State of Ohio; which punishes humanity as a crime; which authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the State, without opportunity of defence, and upon *ex-parte* testimony. Certainly no such bill can receive my vote."

Furthermore, the Bill suspends the *Habeas Corpus Act*,* the great bulwark of liberty, the *Magna Charta* of the civilized world. In Section IX. of the Constitution is this clause:

"THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED UNLESS WHEN, IN CASES OF REBELLION OR INVASION, THE PUBLIC SAFETY MAY REQUIRE IT."

There was no "rebellion or invasion" in the land when the Bill was passed, although it is impossible to tell how soon the fact will be otherwise, if its diabolical provisions continue to be carried out. The Bill, as has been shown, is not confined to fugitive slaves; it *includes all "fugitives from service or labor," be they white or colored.* The Fugitive Slave Bill, Section VI., constitutes the commissioner a court, from whose decision there is no appeal! There shall be no "molestation of said person or persons, by any process issued by any court, judge, magistrate, or other person whomsoever." The commissioner, whoever he may be, a Postmaster, Collector, Tide-waiter, Ward Justice, Street Inspector, Clerk of the Market—in the recent case, the Clerk of the Circuit Court—is constituted the High Court of Judicature, his decree is irreversible, and neither any judge of the State Courts, or United States Court, can issue the writ of Habeas Corpus, for the purpose of inquiring whether the person has been illegally deprived of his liberty.

By an act of the State of New-York, and by similar acts of other States, a slave brought into the State by his master shall be free. But the Fugitive Slave Bill appears to trample upon the State laws in this respect. Such a person—once a slave—may be arrested under

* *Habeas Corpus*.—"You may have the body before the Court." This is the great writ of personal liberty. It lies, where a person being indicted or imprisoned, (and an illegal arrest is in law an "imprisonment,") unlawfully or unconstitutionally, applies to another tribunal for relief in the premises.

the Bill, be taken before a commissioner, and be remanded into slavery. The decision of the upstart commissioner-judge, is "conclusive;" there shall be no molestation by *any* process issued by *any* court, judge, magistrate, or other person whomsoever! It is true that the language of the bill is, that slaves who shall escape *from one State into another State*, may be arrested and remanded back; but in the phraseology of slaveholders it is an "escape"—a constructive escape—to run away from the master anywhere.

In the celebrated Prigg case, in Pennsylvania, Judge Story, in the name of the Supreme Court of the United States, gave an opinion that the law of 1793, upon which the late Fugitive Slave Bill is founded, was in some respects not free from reasonable doubt or difficulty as to its constitutionality, viz.: in that part that conferred authority on State magistrates to issue process, &c., for the reclamation of fugitive slaves, and which has been generally understood to require them to perform this service. Eminent jurists in several States have long since given similar opinions. Hon. Thaddeus Stevens, of Pennsylvania, during the recent session, in his place on the floor of the House of Representatives, pronounced the law of 1793 INFAMOUS. Congress cannot confer jurisdiction upon a court not created by the Constitution and laws of the United States; and transcended its powers in this way, in the enactment of the law of 1793, which was besides unconstitutional, because it authorized the Federal Courts to try a claim to a man as a slave, without the intervention of a jury. The Constitution (Art. 5 of the Amendments) says that no person shall be "deprived of life, liberty, or property, without due process of law." And Art. 6th provides that in criminal prosecutions, (and the proceedings in the case of Hamlet were of a criminal nature,) the accused shall enjoy a speedy and public trial by jury, and be confronted with the witness against him. Neither the law just passed, nor any other, can constitutionally take away this right, or authorize any commissioner or court to determine a case affecting the *life or liberty* of an individual in a "summary manner." It is vesting such commissioner or court with power as absolute as that of the "Star Chamber," or "Turkish Kadis." It has been well said that the courts of the United States have power to appoint commissioners to take affidavits and acknowledgments of bail; but they do not possess, and cannot receive, authority from Congress to delegate to a commissioner the power of trying a cause.

We see that the Bill enacted by Congress in 1793, approved by

President Washington, acquiesced in for more than fifty years, is pronounced unconstitutional, or, in the carefully-worded language of the Supreme Court, "not free from reasonable doubt as to its constitutionality," in one or more of its principal provisions, by the decision of the highest judicial court of the country. It shows that the gentlemen in both Houses of Congress, when they enact laws under the screws of party, and amidst champagne, clamor, and cries for the "previous question," may be enacting unconstitutional statutes. If they do this in one case, they are liable to do it in another. Infallibility does not pertain to such a body of men as compose the present House of Representatives.

The clause of the Constitution, already referred to, says: "No person held to service or labor in one State under the laws thereof, *escaping into another*, shall be delivered up," &c. Mark the expression. The meaning clearly is 'another State,' not a Territory. A slave, then, escaping from a *Territory* of the United States into one of the *States*, cannot constitutionally be pursued and remanded into slavery.* Of course, that portion of the Fugitive Slave Bill, which authorizes the arrest of an alleged slave who has fled from the District of Columbia, the certificate of the commissioner, and the carrying back, in chains, of the prisoner, by the marshal, is unconstitutional, and therefore void. It will be observed that in the last section the law confers jurisdiction upon a State Court of Record. It is settled that Congress cannot confer jurisdiction upon any court not created by the Constitution and laws of the United States.

Among the fundamental principles of a free people and a constitutional government, are these—The right of an accused person to meet his accuser or claimant face to face, to examine his witnesses in Court, to employ counsel, and should he be poor, to have counsel assigned by the Court, and to be TRIED BY AN IMPARTIAL JURY. Even men accused of the most atrocious crimes can legally claim each and all these privileges; and after conviction, so lenient is the law, and so humane the practise, that great forbearance is shown to the convict. He may move for a new trial, and have the question elaborately argued; the Court, after advisement, delivers a formal opinion; the executive pa-

* Whoever defends William C. Chaplin, must take the ground, that it is no crime, under the Constitution, to aid a bondman to escape from the District of Columbia into Maryland, or any other State; to say nothing here of the fact that slavery itself does not constitutionally exist in the District of Columbia.

tiently listens to the entreaties and arguments of friends. Meantime the prisoner is treated with kindness; he may receive the visits of his family; and in all the proceedings, both before and after conviction, justice is tempered with mercy. But in the case of a poor man, arrested under the Fugitive Slave Bill, none of these things are meted out to him. He may be decoyed, as was Hamlet, under lying statements, by govermental officials, to a court-room; no counsel is assigned to him; he is not permitted to send for his friends; testimony against him is taken in an adjoining apartment; he is adjudged by some understrapper, unconstitutionally clothed with high judicial powers, to perpetual slavery; is hand-cuffed in the court-room, denied the melancholy gratification of bidding his wife and little ones a final adieu, or even the miserable consolation of apprising them of his situation; and in hot haste is carried to a Southern dungeon. This is done, not in a land of savages or pirates, but in a Christian city—in the Temple of Justice, by men of respectable descent and standing! “The law allows it, and the court awards it.” Northern men willingly become slave-catchers, and take great delight in obsequiousness to Southern slaveholders, and in truckling to their arrogance. Even the sons and grandsons of illustrious men are content to wear Southern livery. The law requires that the proceedings shall be “summary,” and the ministers of the law, with demoniacal impetuosity and cruelty, administer it to the letter. Gracious heavens! Do we live in the land of the pilgrims? Does the blood of Hampden and Sidney flow in our veins? Are we the countrymen of Patrick Henry? Did Lafayette fight to achieve our freedom? Is this the model Republic? Are we MEN?

It is said, “The compromises of the Constitution must be observed; these men are not citizens, but only slaves.” This is said by those who basely submit to the violation of the Constitution by South Carolina, in imprisoning colored seamen, citizens of Massachusetts, and selling them to pay jail fees, when the Constitution declares, “the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” But it is not fugitive slaves alone that the Bill reaches. Every colored person in the free States is liable to be arrested and to be carried into slavery by the practise under this Act. The affidavit of a slaveholder, and the testimony of some perjured accomplice among our own citizens, will be deemed sufficient by many of these commissioners to entitle the claimant to a certificate. It is

in view of this that the Bill has carried consternation into the dwelling of every free colored family in the free States, and that men, women and children, born of free parents, and peaceably pursuing their honest occupations, have their heart-strings broken, and are now living by day and night in constant dread of molestation. Nor is this all; the Bill, as before stated, makes no allusion to colored people; it applies to persons of all complexions and in all conditions. The liberty of every citizen is placed in jeopardy by this "Bill of Abominations." The oath of any two miscreants, before a corrupt and nefarious commissioner, is sufficient to deprive him of his freedom, and hurry him to a Southern jail. If this Bill is submitted to, in the case of a fugitive, free colored, nay, white citizens, have no liberty left to boast of, and had better be citizens of Turkey than of the United States of America. Let those who voted for the Bill, or, being able to attend upon their legislative duties, "dodged" the question, be made answerable at the bar of public opinion, and be consigned to perpetual ignominy; let an indignant rebuke everywhere go forth in relation to those who counselled the executive to sanction it; let the Chief Magistrate, who wrote "approved," be remembered by an insulted people; and let the watchword be throughout every free State, in every city, town and village, **THE REPEAL OF THE INFAMOUS BILL!**

APPENDIX.

MEETING OF THE COLORED POPULATION.

THEIR DENUNCIATION OF THE FUGITIVE SLAVE BILL.

A meeting of colored people was held on the evening of October 2d, at the Zion Chapel, Church street, New-York. The building, which is capable of holding 1,500 persons, was crowded to excess, two-thirds of those present being women. The following is a copy of the hand-bill by which the meeting was convened:—

THE FUGITIVE BILL!

THE PANTING SLAVE!

FREEMEN TO BE MADE SLAVES!

Let every colored man and woman attend the **GREAT MASS MEETING** to be held in

ZION CHURCH,

Church street, corner of Leonard, on

TUESDAY EVENING, OCTOBER 1, 1850,

for your Liberty, your Fire-side is in danger of being invaded! Devote this night to the question of **YOUR DUTY** in the **CRISIS**.

Shall we resist Oppression? Shall we defend our Liberties? Shall we be **FREEMEN** or **SLAVES**?

By order of the Chairman of the Committee of 13.

Shortly after seven o'clock, William P. Powell was, on motion, called to preside.

The Vice Presidents were—Messrs. J. M. Smith, J. Powers, Rev. S. White, D. Bush, Rev. S. E. Cornish, E. Harrington, J. H. Putnam, Rev. J. T. Raymond, J. Harris, S. Drayton, Rev. H. Wilson, A. Lyons, J. J. Jefferson, J. Jaffers, J. Purnell, R. H. Cousins, H. Williams, Capt. P. Hawkins, E. A. Potter, and P. Guion.

Secretaries—T. J. White, M. D., P. H. Reason, R. Hamilton.

The meeting was opened with prayer by the Rev. Mr. White, who supplicated for victory over their enemies, and besought the Omnipotent Power to guide and protect those who are going to the land where men do no trample on one another.

The President, in addressing the assemblage, said:—Fellow-citizens,—In all things that have beauty, there is nothing to man more comely than liberty. Give me the liberty to know, to utter, and to argue freely, above all liberties. (Cheers.) A more important subject than this never, in the history of this country, came before the American people, and it is nothing more nor less than this—Shall we submit to the iniquitous Fugitive Slave Bill, which subjects every free colored man, woman and child, to be seized upon, hand-cuffed, and plunged into perpetual slavery? Shall the blood-thirsty slaveholder be permitted, by this unrighteous law, to come into our domiciles, or workshops, or the places where we labor, and carry off our wives and children, our fathers and mothers, and ourselves, without a struggle—(loud cries of "No, no,")—without resisting, even if need be, unto death? (Cheers.) Or shall we sit down and tamely submit our necks to the halter, and our limbs to the shackles, and clank our chains to the sweet music of passive obedience? (No, no.) Every step which we may take, whether it be backwards or forwards, will be followed by consequences vast and momentous. Let us be united as one man, regarding our first rights as inherent and inalienable. There are a thousand and one ways by which the unsuspecting colored man, woman and child may be entrapped into the hands of the black-hearted, villainous kidnapper, and spirited away into slavery almost instantly. The case of James Hamlet, the fugitive, is in point. There is one victim. Will you submit that there may be more? (Loud noes.)

Hear ye no rumblings in the air?
Hear ye no earthquakes underneath?
Up, up, why will you slumber where
The sleeper only wakes in death?

You are told to submit peaceably to the laws; will you do so? (No, no.) You are told to kiss the manacles that bind you; will you do so? (No, no, no.) The law is made by the people. The people have told you that you must do so; will you obey them? (No.) Upon your decision this night hangs the liberty of millions. This covenant with death, and agreement with hell, must be trampled under foot, resisted, disobeyed, and violated at all hazards. (Cheers.) When the mother country imposed upon the infant colonies the three-and-a-half per cent. tax, and the stamp act, the very first blood that was

shed, was shed in resistance of the odious act by a colored man ; the first martyr to American independence, nobly led on the mob of white men, and was the first to receive the fire of the British soldiery ; and throughout the Revolutionary and late war, colored men stood side by side with white men, and achieved a most glorious victory in the name of liberty. We have met this night to decide, not whether we will pay the government a three-and-a-half per cent. tax, or an impost duty, but whether we will suffer ourselves and families to be made slaves. And, O Powerful Goodness, Bountiful Father, Merciful Guide, increase us in that wisdom which discovers our truest interest. (Cheers.) The President having called on the meeting to act peaceably, concluded by saying that they had asked the Mayor what course they were to pursue, in the event of free colored men and women being seized and spirited away to slavery, but that functionary had not thought proper to answer them.

The several sections of the Fugitive Slave Bill were then read amid interruptions, execrations, and cries of Shame. At the conclusion, a voice in the gallery asked, was there no more of it ?—an interrogatory which excited the risibilities of some, which were, however, checked by the President, who told them it was too solemn a question for merriment.

Mr. GEORGE T. DOWNING then read the following resolutions, which were received with cheers and expressions of approbation :—

Whereas, the Congress of the United States has passed a law for the avowed purpose of reclaiming persons owing service in one State and escaping into another, and approved by Millard Fillmore, the President of the United States, on the 18th day of September, 1850—

And whereas, the operation of said law allows any person in the Southern States to go into any court, or before any Justice of the Peace, or any other person authorized to take depositions in any State or organized Territory of the United States, and swear that any colored person owes him or her service or labor, and has escaped therefrom, and may take out a warrant for the arrest of such person in any United States Court, in any State or Territory, and seize such person, with or without a warrant, and command the assistance of bystanders to make the arrest—

And whereas, any person so arrested may be taken before any United States Court in any State or Territory of the United States, and deprived of his or her liberty in a summary manner, by any Judge, Justice, or Commissioner of the United States—

And whereas, any person so arrested and tried, is stripped of the right of trial by jury, deprived of the writ of *habeas corpus*, contrary to the provisions of the Constitution of the United States—

And whereas, any white person may seize and arrest any colored person, and drag him or her by violence before any United States Judge, Justice or Commissioner, and swear away the liberty of any person so arrested—

And whereas, any person assisting another to escape, either before

or after trial, or is known to conceal a person claimed as a slave, is subject to a fine of one thousand dollars; and thus, in every possible way, placing the liberty of colored persons in every State or Territory of this Union completely at the mercy of slaveholders or their agents with every safeguard of liberty stricken down—Therefore,

1. *Resolved*, That we utterly repudiate the law and its provisions; that it is so repugnant to every principle of justice, that it can have no binding force whatever upon us; and that we do here, in the sight of God and before all men, declare, that should any one attempt to execute its provisions on any one of us, either by invading our homes or arresting us in the street, we will treat such an one as assaulting our persons with intent to kill, and, God being our helper, will use such means as will repel the aggressor, and defend our lives and liberty.

2. *Resolved*, That we are worthy neither of our homes nor of the confidence of our wives and children, unless we are prepared to sacrifice ourselves freely, if necessary, on the altar of freedom and in their defence.

3. *Resolved*, That the teachings and examples of our countrymen, the promptings of our nature as men, as well as our duty towards God, tell us, that whenever the unjust provisions of this law against God and humanity shall be attempted to be enforced against either of us, it were far better that a thousand lives perish in the rescue, than that a single human being be permitted to be dragged from our midst into hopeless bondage; and that we desire no grave prouder than that over which shall stand the monument, and no page of history prouder than that which shall second the deed, of such rescue.

4. *Resolved*, That it has ever been our aim and earnest desire to be good law-abiding citizens, and that we will strive such to be; nevertheless we cannot for one moment entertain the idea of compliance with the terms of that bill, its force being lost in the fact that it is at variance with the laws of our nature and of God; and further, because we believe it to be at variance with the spirit and letter of our Declaration of Independence, and of the Constitution established under that Declaration.

5. *Resolved*, That the provisions of the Fugitive Slave Bill of 1850, leaving us no other alternative, we must adopt the motto of our sister State, Virginia—"Resistance to tyrants is obedience to God."

6. *Resolved*, That we declare to Mason, and the aiders and abettors of this arbitrary and despotic law, in the language of Daniel Webster, "that there is something on earth greater than arbitrary and despotic power; the lightning has its power, and the whirlwind has its power, and the earthquake has its power—but there is something among men more capable of shaking despotic power than lightning, whirlwind or earthquake—that is the threatened indignation of the civilized world."

7. *Resolved*, That "God willed us free—man willed us slaves. We will, as God wills; God's will be done."

8. *Resolved*, That inasmuch as desperate efforts are being made to

reclaim fugitives who have fled for liberty—to reclaim them at all costs—we, sympathizing with such fugitives, and believing that they would be justified therein by the promptings of nature, by the precepts of Patrick Henry and of Washington, by the glorious example of Madison Washington, do counsel them to do as we would—to arm themselves with the surest and most deadly weapons; to resist unto death, for which, if they be not prepared, we advise them to repair, with all possible dispatch, to where the law, as well as nature, proclaims them free.

9. *Resolved*, That in giving ten millions of dollars to the South, for land which the South never owned—in promising to pay one thousand dollars each to the South, for every bondman who may escape therefrom—in converting her once free soil into a hunting-ground for the panting fugitive, and in offering to her own citizens a bribe on the one hand to join in the chase, and fine and imprisonment on the other hand for refusing to do so, the once free North has sold herself, body and soul, to the dark spirit of slavery; and has, through her chosen President and subservient members of Congress, declared, “in tones that will pierce the ears of half the human race, that the last great experiment of representative government has failed,” and has “caused millions of eyes of those who fed their inherent love of liberty upon the success and prosperity of the American example, to turn away from our deep disgrace, with dissatisfaction and disgust; and has caused the doctrine of the divine right of kings to feel, even in its grave, a returning sensation of vitality and resuscitation.”

10. *Resolved*, That we call upon all American citizens, who have any regard for constitutional law, or any reverence for the history of our glorious past, or any pride in our national reputation abroad, to join in the cry of repeal—repeal the infamous bill, which barter the life and liberty of a freeman for the oath of any wretch who may swear that he is a slave.

11. *Resolved*, That we will circulate petitions to the Legislature of this State, calling for a law to protect its free colored citizens from slavery; and for resolutions instructing the members of Congress to urge the repeal of the Fugitive Slave Bill.

12. *Resolved*, That we will send petitions to Congress, praying for the repeal of the Fugitive Slave Bill of 1850.

13. *Resolved*. That, actuated by nothing other than pure humanity, in attempting to carry out these resolutions whenever necessity requires them, we will further endeavor to infuse their healthful spirit into the minds and hearts of our fellow-citizens.

14. *Resolved*, That the President of this meeting be appointed to receive the names of all persons who may be willing to act on the Secret Committee; and all persons who are fugitive to report themselves to the Chairman of the meeting, who must have their real name, and the name of their master, in order that the Secret Committee may know what to do in the premises.

The resolutions were sustained in spirited speeches by Messrs. George T. Downing, John S. Jacobs, Rev. Charles Gardner, Jacob

R. Gibbs, Junius C. Morrell, St. de Remy, Benjamin Stanley, and Edward V. Clarke. The speakers were much applauded. At the close Rev. Charles B. Ray came in and announced that the sum of \$800 had been raised (the first hundred of which was given by a colored man, ISAAC HOLLENBECK,) to redeem Hamlet from bondage. At this information great cheering took place, and soon after, the meeting adjourned, it being then near midnight.

RESTORATION OF JAMES HAMLET.

The sum of eight hundred dollars having been subscribed in this city and neighborhood, a benevolent individual kindly volunteered to go to Baltimore, redeem James Hamlet, and accompany him back to New-York. He went in fetters, but returned a free man.

A great demonstration was made in the Park, on Saturday, the 5th October, on the arrival of Mr. Hamlet. Four or five thousand citizens, white and colored, assembled at noon, to welcome him back to his family and chosen residence. Mr. JOHN P. THOMPSON was called to the chair. Addresses were made by Messrs John J. Raymond, Robert Hamilton, Charles B. Ray, and Wm. P. Powell. Much joy and enthusiasm was manifested. The speakers were heard with the deepest attention, and were frequently cheered while depicting the unjust and cruel privations to which the people of color are subjected in this boasted land of liberty, and in being obliged to seek shelter from persecution and slavery under a monarchical government, which once oppressed this nation, and now affords an asylum to its citizens fleeing from the oppression of the government of the model Republic! Hamlet stood at the right of the chairman, and tears ran down his cheeks while the speakers described the horrors of slavery. The following resolutions were passed, when the ransomed MAN was escorted to his home, amidst great cheering, shouting and rejoicing.

Whereas, pursuant to the passage of the unconstitutional law enacted by Congress at its last session, James Hamlet, a citizen of Williamburgh, was arrested and sent into slavery in Maryland, without due proofs of law; and

Whereas, through the generous contributions of kind friends of this city, the freedom of James Hamlet was purchased for eight hundred dollars, and he is now restored to the bosom of his family; therefore

Resolved, That we hail with joy this hour, not only because it restores to us our brother, whom we had given up as lost to the partner of his bosom—lost to his children and home—lost to friends and society—lost to all church privileges, and every thing which illumines our pathway to the tomb—but because we believe it to be the beginning of the time of our complete enfranchisement.

Resolved, That we render a thousand thanks to those noble men who have so generously contributed to the emancipation of James Hamlet, and we invoke upon them the blessings of the God of the oppressed.

JOHN P. THOMPSON, President.

ALBRO LYONS,	} Vice Presidents.
J. M. SMITH,	
L. NAPOLÉON,	
WM. C. INNERS,	

WM. P. POWELL, Secretary.